

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL NO. 2:04CV276

**PRUDENTIAL COMMERCIAL REAL)
ESTATE; C. DAN JOYNER CO.; and)
MICHAEL QUILLAN,)**

Plaintiffs,)

Vs.)

ORDER OF DISMISSAL

**V. C. SMITH REAL ESTATE, INC.;)
RAY TRINE; O'NEAL McCALL;)
ELAINE ZACHARY or, in the)
Alternative, KENNETH L. DINGLER;)
ANDREA DINGLER; PATRICK)
KENNEDY; PATRICIA A. KENNEDY;)
and GIMLI, LTD.,)**

Defendants.)

THIS MATTER is before the Court on the Plaintiffs' motion to dismiss their claims against the Defendants Kenneth L. Dingler, Andrea Dingler, Patrick Kennedy, Patricia A. Kennedy, and Gimli, Ltd., without prejudice. Counsel for these Defendants have consented to the motion; counsel for the Defendants V.C. Smith Real Estate, Ray Trine, O'Neal McCall and Elaine Zachary did not consent.

For the reasons set forth in the motion and counsel for the proposed dismissed Defendants having consented to the request,

IT IS, THEREFORE, ORDERED that the Plaintiffs' motion to dismiss their claims against the Defendants Kenneth L. Dingler, Andrea Dingler, Patrick Kennedy, Patricia A.

Kennedy, and Gimli, Ltd., is **ALLOWED**, and Plaintiffs' claims as to these named Defendants are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: July 20, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

